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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.                  | CONFIRMATION NO. |
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| 10/604,229   | 07/02/2003  | Kevin W. HARRIS      | 07298.0048.CNUS01                    | 1228             |
| 28694  | 7590        | 09/09/2004           |                                      |                  |
| TRACY W. DRUCE, ESQ.<br>1496 EVANS FARM DR<br>MCLEAN, VA 22101 |             |                      | EXAMINER<br>NEWHOUSE, NATHAN JEFFREY |                  |
|  |             |                      | ART UNIT<br>3727                     | PAPER NUMBER     |
| DATE MAILED: 09/09/2004  |             |                      |                                      |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/604,229

Applicant(s)

HARRIS, KEVIN W.

Examiner

Nathan J. Newhouse

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Applicant is advised that should claims 14-15 be found allowable, claims 22-23 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected as there is no attachment to the vehicle as the securement member is not positively claimed, only that the spanning member is "configured to accept a securement member".

Claim 1 is further rejected as being unclear with respect to the limitation "...at least one of said connecting members adapted to accommodate fixation of a spanning member...". It is unclear how only one connecting member can be connected with the spanning member and the vehicle cargo arrangement still function.

Art Unit: 3727

Claim 2 is rejected as "said securement member" is unclear as applicant has only set forth a moveable securement member.

Claim 3 is rejected as "said securement member" is unclear as applicant has only set forth a stationary securement member.

Claim 4 is rejected as "said securement member" is unclear as applicant has set forth two different securement members (stationary and moveable).

Claim 6 is rejected as "said movable spanning member" and "said stationary spanning member" have no antecedent basis. Claim 6 is further rejected as "said securement member" is unclear as applicant has set forth two different securement members (stationary and moveable).

Claim 9 is further rejected as "said securement member" is unclear as applicant has set forth two different securement members (stationary and moveable).

Claim 10 is further rejected as "said securement member" is unclear as applicant has set forth two different securement members (stationary and moveable).

Claim 12 is rejected as being in conflict with claim 1 from which this claim depends. It is unclear how this add-on adaptor relates to the connecting members of claim 1 which receive the spanning member.

Claim 16 is further rejected as "said securement member" (in lines 11-12 and lines 14-15) is unclear as applicant has set forth two different securement members (stationary and moveable).

Claim 16 is further rejected as being unclear with respect to the limitation "...at least one of said connecting members adapted to accommodate fixation of a spanning

Art Unit: 3727

member...". It is unclear how only one connecting member can be connected with the spanning member and the vehicle cargo arrangement still function.

Claim 17 is further rejected as being unclear with respect to the limitation "...at least one of said connecting members adapted to accommodate fixation of a spanning member...". It is unclear how only one connecting member can be connected with the spanning member and the vehicle cargo arrangement still function. This is further confusing as applicant sets forth "both of said pair of spaced apart connecting members are adapted to accommodate fixation of said spanning member".

Claim 17 is rejected as "said moveable spanning member" and "said stationary spanning member" have no antecedent basis.

Claim 17 is rejected as "said securement member" in lines 10-11, 13-14 and 18 is unclear as applicant has set forth two different securement members (stationary and moveable).

Claim 18 is rejected as being unclear with respect to the limitation "...at least one of said connecting members adapted to accommodate fixation of a spanning member...". It is unclear how only one connecting member can be connected with the spanning member and the vehicle cargo arrangement still function. This is further confusing as applicant sets forth "both of said pair of spaced apart connecting members are adapted to accommodate fixation of said spanning member".

Claim 18 is rejected as "said securement member" in lines 10-11 and 13-14 is unclear as applicant has set forth two different securement members (stationary and moveable).

Art Unit: 3727

Claim 19 is rejected as being unclear with respect to the limitation "...at least one of said connecting members adapted to accommodate fixation of a spanning member...". It is unclear how only one connecting member can be connected with the spanning member and the vehicle cargo arrangement still function. This is further confusing as applicant sets forth "both of said pair of spaced apart connecting members are adapted to accommodate fixation of said spanning member".

Claim 19 is rejected as "said securement member" in lines 10-11 and 13-14 is unclear as applicant has set forth two different securement members (stationary and moveable).

Claim 20 is rejected as "said securement member" is unclear as applicant has set forth two different securement members (stationary and moveable).

Claim 21 is rejected as "said securement member" is unclear as applicant has set forth two different securement members (stationary and moveable).

In view of the numerous rejections under 35 USC 112, second paragraph, applicant should carefully review all of the claims to make sure there are no others.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Art Unit: 3727

In the independent claims 1, 16, 17, 18 and 19, applicant sets forth "...at least one of said connecting members adapted to accommodate fixation of a spanning member...". It is unclear how only one connecting member can be connected with the spanning member and the vehicle cargo arrangement still function. It is not clear if the vehicle cargo arrangement can function if it is only attached to one of the connecting members. Furthermore, there is no disclosure to this arrangement.

This is further confusing as applicant sets forth "both of said pair of spaced apart connecting members are adapted to accommodate fixation of said spanning member" in claims 17-19 as well as "at least one..." thereby adding confusion as to how many applicant is intending to claim.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, 11, 13, 16 and 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Le Boeuf (Boeuf hereinafter).

Regarding claims 1 and 16, Boeuf discloses an anchor assembly comprising a pair of spaced apart connecting members (22) adapted to be attached to a cargo carrier body (see proximate lead line 15) and a spanning member (26) wherein at least one of the connecting members is adapted to "accommodate fixation of the spanning member"

Art Unit: 3727

and wherein the spanning member is "configured to accept" a securement member (see lead lines 27 and 28) as claimed. The carrier body in Boeuf is further adapted for engagement with a roof rack (see proximate lead lines 16-20) on the vehicle as claimed.

Regarding claims 2 and 16, see lead lines 27 and 28.

Regarding claims 3 and 16, see lead line 24 in Boeuf which is a stationary securement member and lead line 25 which defines a distal end adapted for securement to the vehicle.

Regarding claim 4, see lead lines 27 and 28.

Regarding claim 5 both of the connecting members are "adapted to accommodate fixation" of the spanning member as claimed.

Regarding claims 11, 13 and 22-23, see lead line 28.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5,288,003

US 1,798,872

US 4,601,419

US 4,616,772

US 4,084,735

US 3,104,042

US 2,983,413

US 4,878,606

FR 1,228,920

FR 1,392,322




Art Unit: 3727

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan J. Newhouse whose telephone number is (703)-308-4158. The examiner can normally be reached on Monday-Thursday 6:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on (703)-308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Nathan J. Newhouse  
Primary Examiner  
Art Unit 3727